IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.64 OF 2003
WITH
CIVIL APPLICATION NO.81 OF 2003

Dharavi Milind Nagar-A Co-op.
Housing Society Ltd. ..Appellant.

V/s.

Shamshad Ahmed Abdul Hamid & Ors...Respondents.

Mr.S.G.Surana for appellant.

Mr.V.B.Sakhare, AGP for Respondent No.2 and 4.

Mr.R.A.Malandkar for BMC.

CORAM: A.M.KHANWILKAR,J

DATE : JANUARY 9, 2006.

P.C. :

1. Counsel for the appellant submits that the subject structure has already been demolished consequent to the order passed by this court on 30th January, 2003. In that sense, the relief claimed in the present proceeding is worked out. Accordingly, this appeal is disposed of as infructuous.

2. Accordingly, Civil Application is disposed of in terms of above order.

3. At this stage, counsel for the respondent No.2 and 4 submits that the appellant be directed to

hand over possession of transit accommodation to the said respondents. That is not the matter in issue in the present appeal. For, the present appeal takes exception to the order passed by the trial court injuncting the appellant from demolishing existing 20 common W.C. blocks situated in the disputed property till the disposal of the suit. That injunction as mentioned earlier has been worked out. It will be open to the respondent No.2 and 4 to take recourse to such remedy as may be permissible by law.